



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Nicola Constantino,
Union County

CSC Docket No. 2021-268

Classification Appeal

ISSUED: DECEMBER 21, 2020 (RE)

Nicola Constantino appeals the decision of the Division of Agency Services (Agency Services) which found that his position with the Union County is properly classified as Building Maintenance Worker. The appellant seeks a Maintenance Repairer job classification in this proceeding.

The appellant received a regular appointment as a Building Maintenance Worker, a non-competitive title, on November 11, 2017. In June 2019, he requested a classification review of his position located in the Department of Engineering Public Works Facilities, Union County. The appellant reports to a Supervising Maintenance Repairer and does not have supervisory responsibilities. Agency Services conducted a review of his position classification questionnaire (PCQ) and other documentation, and the classification review determined that the appellant's position was properly classified as Building Maintenance Worker.

On appeal, the appellant argues that his responsibilities are above that of Building Maintenance Worker, as he performs masonry, carpentry, painting, plumbing, mechanical, ceiling tile and lighting replacement tasks. He also removes and installs carpet and vinyl tile flooring. In a supplement to his appeal, he adds eleven additional duties.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals the appellant shall provide copies of all materials submitted, the determination received from the lower

level, statements as to which if portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Maintenance Repairer states:

Under direction, performs a variety of routine maintenance and repair tasks involved in masonry, plastering, carpentry, painting, plumbing, steam fitting, sheet metal, electrical, glazing, mechanical, and/or other types of maintenance work; does related work.

The definition section of the job specification for Building Maintenance Worker states:

Under direction of a supervisory official, performs varied simple and moderately physically strenuous tasks involved in cleaning and maintaining offices, furniture, buildings, and grounds; may assist in making minor repairs to buildings or equipment; does other related duties as required.

Based upon a review of the information presented in the record, it is clear that the appellant's position is properly classified as Building Maintenance Worker. In this case, the appellant indicated his duties as performing maintenance for 40% of the time; painting for 5% of the time; assisting tradesmen with HVAC for 5% of the time; assisting electricians for 5% of the time; assisting carpenters for 5% of the time; preparing rooms for carpet and flooring for 30% of the time; and assisting with plumbing repairs and cleanup for 5% of the time.

The majority of his duties fall directly into the Building Maintenance Worker definition. The appellant is performing varied simple and moderately physically strenuous tasks involved in cleaning and maintaining offices, furniture, buildings, and grounds, and he assists, rather than performs, in making repairs to buildings or equipment. For example, a Building Maintenance Worker may assist carpenters, electricians, painters, plumbers, and steam fitters by carrying tools and materials, by placing and removing ladders, by cleaning up after work has been done, preparing areas, and by doing other varied tasks of a simple nature. Also, the incumbent may move and control heavy equipment, carry and set up ladders and scaffolding, and work from ladders and scaffolds to change light bulbs, replace venetian blinds, or tape areas for painting. A Building Maintenance Worker may make minor repairs to the heating, electrical, and other systems of varied types of buildings, and service bathrooms and restrooms.

The appellant's HVAC work includes replacing filters, removing and replacing air conditioner window units and securing brackets. This does not rise to the level of

repair of HVACs. His plumbing duties include unclogging drains, assisting with replacement of sinks, faucets and toilets, cleanup, and replacing sink washers. This falls squarely in the job definition for Building Maintenance Worker, as the appellant is assisting in making minor repairs to buildings or equipment, not performing the work himself. The appellant's carpentry experience consists of putting in new door hinges and locks, measuring, cutting and hanging ceiling tile, and replacing broken glass. These are minor repairs, and the appellant does not perform all phases of carpentry including planning, material purchasing, construction and finishing. While he claims on appeal that he does masonry work, this was not evident in the duties submitted to Agency Services. It is unclear what "mechanical" duties the appellant refers to in his appeal as he provided no examples of that type of work. The majority of the appellant's duties are consistent with Building Maintenance Worker.

Lastly, some of the information given by the appellant represents a change in duties since the classification review. If the appellant's duties have changed significantly since he submitted his PCQ, the appellant may request another review with Agency Services. In accordance with *N.J.A.C. 4A:3-3.9(e)*, an appeal to the Civil Service Commission involves an analysis of the determination below, not an opportunity to present new duties.

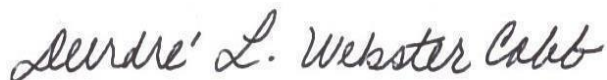
Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant a Maintenance Repairer classification of his position.

ORDER

Therefore, the position of Nicola Constantino is properly classified as a Building Maintenance Worker.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 16TH DAY OF DECEMBER 2020



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